

the means for economic growth and job creation. That is what creates jobs. We need to put more money in the hands of American workers to spend and invest so that jobs can be created. When individuals have more disposable income, they spend it or invest it, and that improves the situation of businesses. When businesses have more money at their disposal, they can expand and hire more people. Tax relief creates jobs. It is that simple. The more people we have working, the more money we will see spent and invested in this country. The more money we see spent and invested in this country, the quicker the economy will rebound. The quicker the economy rebounds, the better off we will all be.

PRESCRIPTION DRUGS

(Mrs. CAPITO asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. CAPITO. Mr. Speaker, I rise today to encourage my colleagues in the House to work together in a bipartisan manner to enact meaningful prescription drug relief for America's seniors. During the first week of the spring district work period, I toured five rural community centers across my district, and I will be continuing that tour, but the thing I heard on the first tour and will hear through the rest of the year is why has Congress not passed prescription drug reform? Guaranteeing all senior citizens the right to choose a voluntary prescription drug plan under Medicare while strengthening Medicare for the future are fundamental building blocks to improving the overall health care system. Congress has risen to meet many challenges in the past and we must meet this one.

Mr. Speaker, it is time to ask ourselves, why have we not passed prescription drug reform? The time has passed for partisan politics. There are too many seniors facing the horrific choice of whether to buy food, pay their mortgage or rent, or purchase the prescriptions that they need.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Mr. NETHERCUTT). Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 6 of rule XX.

Record votes on postponed questions will be taken later today.

SERVICEMEMBERS CIVIL RELIEF ACT

Mr. SMITH of New Jersey. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 100) to restate,

clarify, and revise the Soldiers' and Sailors' Civil Relief Act of 1940, as amended.

The Clerk read as follows:

H.R. 100

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. RESTATEMENT OF ACT.

The Soldiers' and Sailors' Civil Relief Act of 1940 (50 U.S.C. App. 501 et seq.) is amended to read as follows:

"SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

"(a) SHORT TITLE.—This Act may be cited as the 'Servicemembers Civil Relief Act'.

"(b) TABLE OF CONTENTS.—The table of contents of this Act is as follows:

"Sec. 1. Short title; table of contents.

"Sec. 2. Purpose.

"TITLE I—GENERAL PROVISIONS

"Sec. 101. Definitions.

"Sec. 102. Jurisdiction and applicability of Act.

"Sec. 103. Protection of persons secondarily liable.

"Sec. 104. Extension of protections to citizens serving with allied forces.

"Sec. 105. Notification of benefits.

"Sec. 106. Extension of rights and protections to Reserves ordered to report for military service and to persons ordered to report for induction.

"Sec. 107. Waiver of rights pursuant to written agreement.

"Sec. 108. Exercise of rights under Act not to affect certain future financial transactions.

"Sec. 109. Legal representatives.

"TITLE II—GENERAL RELIEF

"Sec. 201. Protection of servicemembers against default judgments.

"Sec. 202. Stay of proceedings when servicemember defendant has notice.

"Sec. 203. Fines and penalties under contracts.

"Sec. 204. Stay or vacation of execution of judgments, attachments, and garnishments.

"Sec. 205. Duration and term of stays; co-defendants not in service.

"Sec. 206. Statute of limitations.

"Sec. 207. Maximum rate of interest on debts incurred before military service.

"TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES.

"Sec. 301. Evictions and distress.

"Sec. 302. Protection under installment contracts for purchase or lease.

"Sec. 303. Mortgages and trust deeds.

"Sec. 304. Settlement of stayed cases relating to personal property.

"Sec. 305. Termination of leases by lessees.

"Sec. 306. Protection of life insurance policy.

"Sec. 307. Enforcement of storage liens.

"Sec. 308. Extension of protections to dependents.

"TITLE IV—LIFE INSURANCE

"Sec. 401. Definitions.

"Sec. 402. Insurance rights and protections.

"Sec. 403. Application for insurance protection.

"Sec. 404. Policies entitled to protection and lapse of policies.

"Sec. 405. Policy restrictions.

"Sec. 406. Deduction of unpaid premiums.

"Sec. 407. Premiums and interest guaranteed by United States.

"Sec. 408. Regulations.

"Sec. 409. Review of findings of fact and conclusions of law.

"TITLE V—TAXES AND PUBLIC LANDS

"Sec. 501. Taxes respecting personal property, money, credits, and real property.

"Sec. 502. Rights in public lands.

"Sec. 503. Desert-land entries.

"Sec. 504. Mining claims.

"Sec. 505. Mineral permits and leases.

"Sec. 506. Perfection or defense of rights.

"Sec. 507. Distribution of information concerning benefits of title.

"Sec. 508. Land rights of servicemembers.

"Sec. 509. Regulations.

"Sec. 510. Income taxes.

"Sec. 511. Residence for tax purposes.

"TITLE VI—ADMINISTRATIVE REMEDIES

"Sec. 601. Inappropriate use of Act.

"Sec. 602. Certificates of service; persons reported missing.

"Sec. 603. Interlocutory orders.

"TITLE VII—FURTHER RELIEF

"Sec. 701. Anticipatory relief.

"Sec. 702. Power of attorney.

"Sec. 703. Professional liability protection.

"Sec. 704. Health insurance reinstatement.

"Sec. 705. Guarantee of residency for military personnel.

"SEC. 2. PURPOSE.

"The purposes of this Act are—

"(1) to provide for, strengthen, and expedite the national defense through protection extended by this Act to servicemembers of the United States to enable such persons to devote their entire energy to the defense needs of the Nation; and

"(2) to provide for the temporary suspension of judicial and administrative proceedings and transactions that may adversely affect the civil rights of servicemembers during their military service.

"TITLE I—GENERAL PROVISIONS

"SEC. 101. DEFINITIONS.

"For the purposes of this Act:

"(1) **SERVICEMEMBER.**—The term 'servicemember' means a member of the uniformed services, as that term is defined in section 101(a)(5) of title 10, United States Code.

"(2) **MILITARY SERVICE.**—The term 'military service' means—

"(A) in the case of a servicemember who is a member of the Army, Navy, Air Force, Marine Corps, or Coast Guard—

"(i) active duty, as defined in section 101(d)(1) of title 10, United States Code, and

"(ii) in the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under section 502(f) of title 32, United States Code, for purposes of responding to a national emergency declared by the President and supported by Federal funds; and

"(B) in the case of a servicemember who is a commissioned officer of the Public Health Service or the National Oceanic and Atmospheric Administration, active service.

"(3) **PERIOD OF MILITARY SERVICE.**—The term 'period of military service' means the period beginning on the date on which a servicemember enters military service and ending on the date on which the servicemember is released from military service or dies while in military service.

"(4) **DEPENDENT.**—The term 'dependent', with respect to a servicemember, means—

"(A) the servicemember's spouse;

"(B) the servicemember's child (as defined in section 101(4) of title 38, United States Code); or

"(C) an individual for whom the servicemember provided more than one-half of the individual's support for 180 days immediately preceding an application for relief under this Act.

“(5) COURT.—The term ‘court’ means a court or an administrative agency of the United States or of any State (including any political subdivision of a State), whether or not a court or administrative agency of record.

“(6) STATE.—The term ‘State’ includes—

“(A) a commonwealth, territory, or possession of the United States; and

“(B) the District of Columbia.

“(7) SECRETARY CONCERNED.—The term ‘Secretary concerned’—

“(A) with respect to a member of the armed forces, has the meaning given that term in section 101(a)(9) of title 10, United States Code;

“(B) with respect to a commissioned officer of the Public Health Service, means the Secretary of Health and Human Services; and

“(C) with respect to a commissioned officer of the National Oceanic and Atmospheric Administration, means the Secretary of Commerce.

“SEC. 102. JURISDICTION AND APPLICABILITY OF ACT.

“(a) JURISDICTION.—This Act applies to—

“(1) the United States;

“(2) each of the States, including the political subdivisions thereof; and

“(3) all territory subject to the jurisdiction of the United States.

“(b) APPLICABILITY TO PROCEEDINGS.—This Act applies to any judicial or administrative proceeding commenced in any court or agency in any jurisdiction subject to this Act. This Act does not apply to criminal proceedings.

“(c) COURT IN WHICH APPLICATION MAY BE MADE.—When under this Act any application is required to be made to a court in which no proceeding has already been commenced with respect to the matter, such application may be made to any court which would otherwise have jurisdiction over the matter.

“SEC. 103. PROTECTION OF PERSONS SECONDARILY LIABLE.

“(a) EXTENSION OF PROTECTION WHEN ACTIONS STAYED, POSTPONED, OR SUSPENDED.—Whenever pursuant to this Act a court stays, postpones, or suspends (1) the enforcement of an obligation or liability, (2) the prosecution of a suit or proceeding, (3) the entry or enforcement of an order, writ, judgment, or decree, or (4) the performance of any other act, the court may likewise grant such a stay, postponement, or suspension to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily subject to the obligation or liability the performance or enforcement of which is stayed, postponed, or suspended.

“(b) VACATION OR SET-ASIDE OF JUDGMENTS.—When a judgment or decree is vacated or set aside, in whole or in part, pursuant to this Act, the court may also set aside or vacate, as the case may be, the judgment or decree as to a surety, guarantor, endorser, accommodation maker, comaker, or other person who is or may be primarily or secondarily liable on the contract or liability for the enforcement of the judgment or decree.

“(c) BAIL BOND NOT TO BE ENFORCED DURING PERIOD OF MILITARY SERVICE.—A court may not enforce a bail bond during the period of military service of the principal on the bond when military service prevents the surety from obtaining the attendance of the principal. The court may discharge the surety and exonerate the bail, in accordance with principles of equity and justice, during or after the period of military service of the principal.

“(d) WAIVER OF RIGHTS.—

“(1) WAIVERS NOT PRECLUDED.—This Act does not prevent a waiver in writing by a

surety, guarantor, endorser, accommodation maker, comaker, or other person (whether primarily or secondarily liable on an obligation or liability) of the protections provided under subsections (a) and (b). Any such waiver is effective only if it is executed as an instrument separate from the obligation or liability with respect to which it applies.

“(2) WAIVER INVALIDATED UPON ENTRANCE TO MILITARY SERVICE.—If a waiver under paragraph (1) is executed by an individual who after the execution of the waiver enters military service, or by a dependent of an individual who after the execution of the waiver enters military service, the waiver is not valid after the beginning of the period of such military service unless the waiver was executed by such individual or dependent during the period specified in section 106.

“SEC. 104. EXTENSION OF PROTECTIONS TO CITIZENS SERVING WITH ALLIED FORCES.

“A citizen of the United States who is serving with the forces of a nation with which the United States is allied in the prosecution of a war or military action is entitled to the relief and protections provided under this Act if that service with the allied force is similar to military service as defined in this Act. The relief and protections provided to such citizen shall terminate on the date of discharge or release from such service.

“SEC. 105. NOTIFICATION OF BENEFITS.

“The Secretary concerned shall ensure that notice of the benefits accorded by this Act is provided in writing to persons in military service and to persons entering military service.

“SEC. 106. EXTENSION OF RIGHTS AND PROTECTIONS TO RESERVES ORDERED TO REPORT FOR MILITARY SERVICE AND TO PERSONS ORDERED TO REPORT FOR INDUCTION.

“(a) RESERVES ORDERED TO REPORT FOR MILITARY SERVICE.—A member of a reserve component who is ordered to report for military service is entitled to the rights and protections of this title and titles II and III during the period beginning on the date of the member's receipt of the order and ending on the date on which the member reports for military service (or, if the order is revoked before the member so reports, or the date on which the order is revoked).

“(b) PERSONS ORDERED TO REPORT FOR INDUCTION.—A person who has been ordered to report for induction under the Military Selective Service Act (50 U.S.C. App. 451 et seq.) is entitled to the rights and protections provided a servicemember under this title and titles II and III during the period beginning on the date of receipt of the order for induction and ending on the date on which the person reports for induction (or, if the order to report for induction is revoked before the date on which the person reports for induction, on the date on which the order is revoked).

“SEC. 107. WAIVER OF RIGHTS PURSUANT TO WRITTEN AGREEMENT.

“(a) IN GENERAL.—A servicemember may waive any of the rights and protections provided by this Act. In the case of a waiver that permits an action described in subsection (b), the waiver is effective only if made pursuant to a written agreement of the parties that is executed during or after the servicemember's period of military service. The written agreement shall specify the legal instrument to which the waiver applies and, if the servicemember is not a party to that instrument, the servicemember concerned.

“(b) ACTIONS REQUIRING WAIVERS IN WRITING.—The requirement in subsection (a) for a written waiver applies to the following:

“(1) The modification, termination, or cancellation of—

“(A) a contract, lease, or bailment; or

“(B) an obligation secured by a mortgage, trust, deed, lien, or other security in the nature of a mortgage.

“(2) The repossession, retention, foreclosure, sale, forfeiture, or taking possession of property that—

“(A) is security for any obligation; or

“(B) was purchased or received under a contract, lease, or bailment.

“(c) COVERAGE OF PERIODS AFTER ORDERS RECEIVED.—For the purposes of this section—

“(1) a person to whom section 106 applies shall be considered to be a servicemember; and

“(2) the period with respect to such a person specified in subsection (a) or (b), as the case may be, of section 106 shall be considered to be a period of military service.

“SEC. 108. EXERCISE OF RIGHTS UNDER ACT NOT TO AFFECT CERTAIN FUTURE FINANCIAL TRANSACTIONS.

“Application by a servicemember for, or receipt by a servicemember of, a stay, postponement, or suspension pursuant to this Act in the payment of a tax, fine, penalty, insurance premium, or other civil obligation or liability of that servicemember shall not itself (without regard to other considerations) provide the basis for any of the following:

“(1) A determination by a lender or other person that the servicemember is unable to pay the civil obligation or liability in accordance with its terms.

“(2) With respect to a credit transaction between a creditor and the servicemember—

“(A) a denial or revocation of credit by the creditor;

“(B) a change by the creditor in the terms of an existing credit arrangement; or

“(C) a refusal by the creditor to grant credit to the servicemember in substantially the amount or on substantially the terms requested.

“(3) An adverse report relating to the creditworthiness of the servicemember by or to a person engaged in the practice of assembling or evaluating consumer credit information.

“(4) A refusal by an insurer to insure the servicemember.

“(5) An annotation in a servicemember's record by a creditor or a person engaged in the practice of assembling or evaluating consumer credit information, identifying the servicemember as a member of the National Guard or a reserve component.

“(6) A change in the terms offered or conditions required for the issuance of insurance.

“SEC. 109. LEGAL REPRESENTATIVES.

“(a) REPRESENTATIVE.—A legal representative of a servicemember for purposes of this Act is either of the following:

“(1) An attorney acting on the behalf of a servicemember.

“(2) An individual possessing a power of attorney.

“(b) APPLICATION.—Whenever the term ‘servicemember’ is used in this Act, such term shall be treated as including a reference to a legal representative of the servicemember.

“TITLE II—GENERAL RELIEF

“SEC. 201. PROTECTION OF SERVICEMEMBERS AGAINST DEFAULT JUDGMENTS.

“(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant does not make an appearance.

“(b) AFFIDAVIT REQUIREMENT.—

“(1) PLAINTIFF TO FILE AFFIDAVIT.—In any action or proceeding covered by this section, the court, before entering judgment for the plaintiff, shall require the plaintiff to file with the court an affidavit—

“(A) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or

“(B) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service.

“(2) APPOINTMENT OF ATTORNEY TO REPRESENT DEFENDANT IN MILITARY SERVICE.—If in an action covered by this section it appears that the defendant is in military service, the court may not enter a judgment until after the court appoints an attorney to represent the defendant. If an attorney appointed under this section to represent a servicemember cannot locate the servicemember, actions by the attorney in the case shall not waive any defense of the servicemember or otherwise bind the servicemember.

“(3) DEFENDANT'S MILITARY STATUS NOT ASCERTAINED BY AFFIDAVIT.—If based upon the affidavits filed in such an action, the court is unable to determine whether the defendant is in military service, the court, before entering judgment, may require the plaintiff to file a bond in an amount approved by the court. If the defendant is later found to be in military service, the bond shall be available to indemnify the defendant against any loss or damage the defendant may suffer by reason of any judgment for the plaintiff against the defendant, should the judgment be set aside in whole or in part. The bond shall remain in effect until expiration of the time for appeal and setting aside of a judgment under applicable Federal or State law or regulation or under any applicable ordinance of a political subdivision of a State. The court may issue such orders or enter such judgments as the court determines necessary to protect the rights of the defendant under this Act.

“(4) SATISFACTION OF REQUIREMENT FOR AFFIDAVIT.—The requirement for an affidavit under paragraph (1) may be satisfied by a statement, declaration, verification, or certificate, in writing, subscribed and certified or declared to be true under penalty of perjury.

“(C) PENALTY FOR MAKING OR USING FALSE AFFIDAVIT.—A person who makes or uses an affidavit permitted under subsection (b) (or a statement, declaration, verification, or certificate as authorized under subsection (b)(4)) knowing it to be false, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(d) STAY OF PROCEEDINGS.—In an action covered by this section in which the defendant is in military service, the court shall grant a stay of proceedings for a minimum period of 90 days under this subsection upon application of counsel, or on the court's own motion, if the court determines that—

“(1) there may be a defense to the action and a defense cannot be presented without the presence of the defendant; or

“(2) after due diligence, counsel has been unable to contact the defendant or otherwise determine if a meritorious defense exists.

“(e) INAPPLICABILITY OF SECTION 202 PROCEDURES.—A stay of proceedings under subsection (d) shall not be controlled by procedures or requirements under section 202.

“(f) SECTION 202 PROTECTION.—If a servicemember who is a defendant in an action covered by this section receives actual notice of the action, the servicemember may request a stay of proceeding under section 202.

“(g) VACATION OR SETTING ASIDE OF DEFAULT JUDGMENTS.—

“(1) AUTHORITY FOR COURT TO VACATE OR SET ASIDE JUDGMENT.—If a default judgment is entered in an action covered by this sec-

tion against a servicemember during the servicemember's period of military service (or within 60 days after termination of or release from such military service), the court entering the judgment shall, upon application by or on behalf of the servicemember, reopen the judgment for the purpose of allowing the servicemember to defend the action if it appears that—

“(A) the servicemember was materially affected by reason of that military service in making a defense to the action; and

“(B) the servicemember has a meritorious or legal defense to the action or some part of it.

“(2) TIME FOR FILING APPLICATION.—An application under this subsection must be filed not later than 90 days after the date of the termination of or release from military service.

“(h) PROTECTION OF BONA FIDE PURCHASER.—If a court vacates, sets aside, or reverses a default judgment against a servicemember and the vacating, setting aside, or reversing is because of a provision of this Act, that action shall not impair a right or title acquired by a bona fide purchaser for value under the default judgment.

“SEC. 202. STAY OF PROCEEDINGS WHEN SERVICEMEMBER DEFENDANT HAS NOTICE.

“(a) APPLICABILITY OF SECTION.—This section applies to any civil action or proceeding in which the defendant at the time of filing an application under this section—

“(1) is in military service or is within 90 days after termination of or release from military service; and

“(2) has received notice of the action or proceeding.

“(b) AUTOMATIC STAY.—

“(1) AUTHORITY FOR STAY.—At any stage before final judgment in a civil action or proceeding in which a servicemember described in subsection (a) is a party, the court may on its own motion and shall, upon application by the servicemember, stay the action for a period of not less than 90 days, if the conditions in paragraph (2) are met.

“(2) CONDITIONS FOR STAY.—An application for a stay under paragraph (1) shall include the following:

“(A) A letter or other communication setting forth facts stating the manner in which current military duty requirements materially affect the servicemember's ability to appear and stating a date when the servicemember will be available to appear.

“(B) A letter or other communication from the servicemember's commanding officer stating that the servicemember's current military duty prevents appearance and that military leave is not authorized for the servicemember at the time of the letter.

“(C) APPLICATION NOT A WAIVER OF DEFENSES.—An application for a stay under this section does not constitute an appearance for jurisdictional purposes and does not constitute a waiver of any substantive or procedural defense (including a defense relating to lack of personal jurisdiction).

“(d) ADDITIONAL STAY.—

“(1) APPLICATION.—A servicemember who is granted a stay of a civil action or proceeding under subsection (b) may apply for an additional stay based on continuing material affect of military duty on the servicemember's ability to appear. Such an application may be made by the servicemember at the time of the initial application under subsection (b) or when it appears that the servicemember is unavailable to prosecute or defend the action. The same information required under subsection (b)(2) shall be included in an application under this subsection.

“(2) APPOINTMENT OF COUNSEL WHEN ADDITIONAL STAY REFUSED.—If the court refuses to grant an additional stay of proceedings

under paragraph (1), the court shall appoint counsel to represent the servicemember in the action or proceeding.

“(e) COORDINATION WITH SECTION 201.—A servicemember who applies for a stay under this section and is unsuccessful may not seek the protections afforded by section 201.

“(f) INAPPLICABILITY TO SECTION 301.—The protections of this section do not apply to section 301.

“SEC. 203. FINES AND PENALTIES UNDER CONTRACTS.

“(a) PROHIBITION OF PENALTIES.—When an action for compliance with the terms of a contract is stayed pursuant to this Act, a penalty shall not accrue for failure to comply with the terms of the contract during the period of the stay.

“(b) REDUCTION OR WAIVER OF FINES OR PENALTIES.—If a servicemember fails to perform an obligation arising under a contract and a penalty is incurred arising from that nonperformance, a court may reduce or waive the fine or penalty if—

“(1) the servicemember was in military service at the time the fine or penalty was incurred; and

“(2) the ability of the servicemember to perform the obligation was materially affected by such military service.

“SEC. 204. STAY OR VACATION OF EXECUTION OF JUDGMENTS, ATTACHMENTS, AND GARNISHMENTS.

“(a) COURT ACTION UPON MATERIAL AFFECT DETERMINATION.—If a servicemember, in the opinion of the court, is materially affected by reason of military service in complying with a court judgment or order, the court may on its own motion and shall on application by the servicemember—

“(1) stay the execution of any judgment or order entered against the servicemember; and

“(2) vacate or stay an attachment or garnishment of property, money, or debts in the possession of the servicemember or a third party, whether before or after judgment.

“(b) APPLICABILITY.—This section applies to an action or proceeding commenced in a court against a servicemember before or during the period of the servicemember's military service or within 90 days after such service terminates.

“SEC. 205. DURATION AND TERM OF STAYS; CODEFENDANTS NOT IN SERVICE.

“(a) PERIOD OF STAY.—A stay of an action, proceeding, attachment, or execution made pursuant to the provisions of this Act by a court may be ordered for the period of military service and 90 days thereafter, or for any part of that period. The court may set the terms and amounts for such installment payments as is considered reasonable by the court.

“(b) CODEFENDANTS.—If the servicemember is a codefendant with others who are not in military service and who are not entitled to the relief and protections provided under this Act, the plaintiff may proceed against those other defendants with the approval of the court.

“(c) INAPPLICABILITY OF SECTION.—This section does not apply to sections 202 and 701.

“SEC. 206. STATUTE OF LIMITATIONS.

“(a) TOLLING OF STATUTES OF LIMITATION DURING MILITARY SERVICE.—The period of a servicemember's military service may not be included in computing any period limited by law, regulation, or order for the bringing of any action or proceeding in a court, or in any board, bureau, commission, department, or other agency of a State (or political subdivision of a State) or the United States by or against the servicemember or the servicemember's heirs, executors, administrators, or assigns.

“(b) REDEMPTION OF REAL PROPERTY.—A period of military service may not be included in computing any period provided by law for the redemption of real property sold or forfeited to enforce an obligation, tax, or assessment.

“(c) INAPPLICABILITY TO INTERNAL REVENUE LAWS.—This section does not apply to any period of limitation prescribed by or under the internal revenue laws of the United States.

“SEC. 207. MAXIMUM RATE OF INTEREST ON DEBTS INCURRED BEFORE MILITARY SERVICE.

“(a) INTEREST RATE LIMITATION.—

“(1) LIMITATION TO 6 PERCENT.—An obligation or liability bearing interest at a rate in excess of 6 percent per year that is incurred by a servicemember, or the servicemember and the servicemember's spouse jointly, before the servicemember enters military service shall not bear interest at a rate in excess of 6 percent per year during the period of military service.

“(2) FORGIVENESS OF INTEREST IN EXCESS OF 6 PERCENT.—Interest at a rate in excess of 6 percent per year that would otherwise be incurred but for the prohibition in paragraph (1) is forgiven.

“(3) PREVENTION OF ACCELERATION OF PRINCIPAL.—The amount of any periodic payment due from a servicemember under the terms of the instrument that created an obligation or liability covered by this section shall be reduced by the amount of the interest forgiven under paragraph (2) that is allocable to the period for which such payment is made.

“(b) IMPLEMENTATION OF LIMITATION.—

“(1) WRITTEN NOTICE TO CREDITOR.—In order for an obligation or liability of a servicemember to be subject to the interest rate limitation in subsection (a), the servicemember shall provide to the creditor written notice and a copy of the military orders calling the servicemember to military service and any orders further extending military service, not later than 180 days after the date of the servicemember's termination or release from military service.

“(2) LIMITATION EFFECTIVE AS OF DATE OF ORDER TO ACTIVE DUTY.—Upon receipt of written notice and a copy of orders calling a servicemember to military service, the creditor shall treat the debt in accordance with subsection (a), effective as of the date on which the servicemember is called to military service.

“(c) CREDITOR PROTECTION.—A court may grant a creditor relief from the limitations of this section if, in the opinion of the court, the ability of the servicemember to pay interest upon the obligation or liability at a rate in excess of 6 percent per year is not materially affected by reason of the servicemember's military service.

“(d) INTEREST.—As used in this section, the term ‘interest’ includes service charges, renewal charges, fees, or any other charges (except bona fide insurance) with respect to an obligation or liability.

“TITLE III—RENT, INSTALLMENT CONTRACTS, MORTGAGES, LIENS, ASSIGNMENT, LEASES

“SEC. 301. EVICTIONS AND DISTRESS.

“(a) COURT-ORDERED EVICTION.—

“(1) IN GENERAL.—Except by court order, a landlord (or another person with paramount title) may not—

“(A) evict a servicemember, or the dependents of a servicemember, during a period of military service of the servicemember, from premises—

“(i) that are occupied or intended to be occupied primarily as a residence; and

“(ii) for which the monthly rent does not exceed \$1,700, as adjusted under paragraph (2) for years after 2003; or

“(B) subject such premises to a distress during the period of military service.

“(2) HOUSING PRICE INFLATION ADJUSTMENT.—(A) For calendar years beginning with 2004, the amount under subsection (a)(1)(A)(ii) shall be increased by the housing price inflation adjustment for the calendar year involved.

“(B) For purposes of this paragraph—

“(i) The housing price inflation adjustment for any calendar year is the percentage change (if any) by which—

“(I) the CPI housing component for November of the preceding calendar year, exceeds

“(II) the CPI housing component for November of 1984.

“(ii) The term ‘CPI housing component’ means the index published by the Bureau of Labor Statistics of the Department of Labor known as the Consumer Price Index, All Urban Consumers, Rent of Primary Residence, U.S. City Average.”.

“(b) STAY OF EXECUTION.—

“(1) COURT AUTHORITY.—Upon an application for eviction or distress with respect to premises covered by this section, the court may on its own motion and shall, if a request is made by or on behalf of a servicemember whose ability to pay the agreed rent is materially affected by military service—

“(A) stay the proceedings for a period of 90 days, unless in the opinion of the court, justice and equity require a longer or shorter period of time; or

“(B) adjust the obligation under the lease to preserve the interests of all parties.

“(2) RELIEF TO LANDLORD.—If a stay is granted under paragraph (1), the court may grant to the landlord (or other person with paramount title) such relief as equity may require.

“(c) PENALTIES.—

“(1) MISDEMEANOR.—Except as provided in subsection (a), a person who knowingly takes part in an eviction or distress described in subsection (a), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion (or wrongful eviction) otherwise available under the law to the person claiming relief under this section, including any award for consequential and punitive damages.

“(d) RENT ALLOTMENT FROM PAY OF SERVICEMEMBER.—To the extent required by a court order related to property which is the subject of a court action under this section, the Secretary concerned shall make an allotment from the pay of a servicemember to satisfy the terms of such order, except that any such allotment shall be subject to regulations prescribed by the Secretary concerned establishing the maximum amount of pay of servicemembers that may be allotted under this subsection.

“(e) LIMITATION OF APPLICABILITY.—Section 202 is not applicable to this section.

“SEC. 302. PROTECTION UNDER INSTALLMENT CONTRACTS FOR PURCHASE OR LEASE.

“(a) PROTECTION UPON BREACH OF CONTRACT.—

“(1) PROTECTION AFTER ENTERING MILITARY SERVICE.—After a servicemember enters military service, a contract by the servicemember for—

“(A) the purchase of real or personal property; or

“(B) the lease or bailment of such property,

may not be rescinded or terminated for a breach of terms of the contract occurring be-

fore or during that person's military service, nor may the property be repossessed for such breach without a court order.

“(2) APPLICABILITY.—This section applies only to a contract for which a deposit or installment has been paid by the servicemember before the servicemember enters military service.

“(b) PENALTIES.—

“(1) MISDEMEANOR.—A person who knowingly resumes possession of property in violation of subsection (a), or in violation of section 107 of this Act, or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES AND RIGHTS.—The remedies and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential and punitive damages.

“(c) AUTHORITY OF COURT.—In a hearing based on this section, the court—

“(1) may order repayment to the servicemember of all or part of the prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

“(2) may, on its own motion, and shall on application by a servicemember when the servicemember's ability to comply with the contract is materially affected by military service, stay the proceedings for a period of time as, in the opinion of the court, justice and equity require; or

“(3) may make other disposition as is equitable to preserve the interests of all parties.

“SEC. 303. MORTGAGES AND TRUST DEEDS.

“(a) MORTGAGE AS SECURITY.—This section applies only to an obligation on real or personal property owned by a servicemember that—

“(1) originated before the period of the servicemember's military service and for which the servicemember is still obligated; and

“(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

“(b) STAY OF PROCEEDINGS AND ADJUSTMENT OF OBLIGATION.—In an action filed during, or within 90 days after, a servicemember's period of military service to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a servicemember when the servicemember's ability to comply with the obligation is materially affected by military service—

“(1) stay the proceedings for a period of time as justice and equity require, or

“(2) adjust the obligation to preserve the interests of all parties.

“(c) SALE OR FORECLOSURE.—A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid if made during, or within 90 days after, the period of the servicemember's military service except—

“(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

“(2) if made pursuant to an agreement as provided in section 107.

“(d) PENALTIES.—

“(1) MISDEMEANOR.—A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

“(2) PRESERVATION OF OTHER REMEDIES.—The remedies and rights provided under this

section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including consequential and punitive damages.

"SEC. 304. SETTLEMENT OF STAYED CASES RELATING TO PERSONAL PROPERTY.

"(a) APPRAISAL OF PROPERTY.—When a stay is granted pursuant to this Act in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

"(b) EQUITY PAYMENT.—Based on the appraisal, and if undue hardship to the servicemember's dependents will not result, the court may order that the amount of the servicemember's equity in the property be paid to the servicemember, or the servicemember's dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

"SEC. 305. TERMINATION OF LEASES BY LESSEES.

"(a) COVERED LEASES.—This section applies to the lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember's dependents for a residential, professional, business, agricultural, or similar purpose if—

"(1) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or

"(2) the servicemember, while in military service, executes a lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit for a period of not less than 90 days.

"(b) NOTICE TO LESSOR.—

"(1) DELIVERY OF NOTICE.—A lease described in subsection (a) is terminated when written notice is delivered by the lessee to the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee).

"(2) TIME FOR NOTICE.—The written notice may be delivered at any time after the lessee's entry into military service or the date of the military orders for a permanent change of station or to deploy for a period of not less than 90 days.

"(3) NATURE OF NOTICE.—Delivery may be accomplished—

"(A) by hand delivery;

"(B) by private business carrier; or

"(C) by placing the written notice in an envelope with sufficient postage and addressed to the lessor (or the lessor's grantee) or to the lessor's agent (or the agent's grantee) and depositing the written notice in the United States mails.

"(c) EFFECTIVE DATE OF TERMINATION.—

"(1) LEASE WITH MONTHLY RENT.—Termination of a lease providing for monthly payment of rent shall be effective 30 days after the first date on which the next rental payment is due and payable after the date on which the notice is delivered.

"(2) OTHER LEASE.—All other leases terminate on the last day of the month following the month in which the notice is delivered.

"(d) ARREARAGES IN RENT.—Rents unpaid for the period preceding termination shall be paid on a prorated basis.

"(e) RENT PAID IN ADVANCE.—Rents paid in advance for a period succeeding termination shall be refunded to the lessee by the lessor (or the lessor's assignee or the assignee's agent).

"(f) RELIEF TO LESSOR.—Upon application by the lessor to a court before the termination date provided in the written notice, relief granted by this section to a servicemember may be modified as justice and equity require.

"(g) PENALTIES.—

"(1) MISDEMEANOR.—Any person who knowingly seizes, holds, or detains the personal effects, security deposit, or other property of a servicemember or a servicemember's dependent who lawfully terminates a lease covered by this section, or who knowingly interferes with the removal of such property from premises covered by such lease, for the purpose of subjecting or attempting to subject any of such property to a claim for rent accruing subsequent to the date of termination of such lease, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any award for consequential or punitive damages.

"SEC. 306. PROTECTION OF LIFE INSURANCE POLICY.

"(a) ASSIGNMENT OF POLICY PROTECTED.—If a life insurance policy on the life of a servicemember is assigned before military service to secure the payment of an obligation, the assignee of the policy (except the insurer in connection with a policy loan) may not exercise, during a period of military service of the servicemember or within one year thereafter, any right or option obtained under the assignment without a court order.

"(b) EXCEPTION.—The prohibition in subsection (a) shall not apply—

"(1) if the assignee has the written consent of the insured made during the period described in subsection (a)(1);

"(2) when the premiums on the policy are due and unpaid; or

"(3) upon the death of the insured.

"(c) ORDER REFUSED BECAUSE OF MATERIAL AFFECT.—A court which receives an application for an order required under subsection (a) may refuse to grant such order if the court determines the ability of the servicemember to comply with the terms of the obligation is materially affected by military service.

"(d) TREATMENT OF GUARANTEED PREMIUMS.—For purposes of this subsection, premiums guaranteed under the provisions of title IV of this Act shall not be considered due and unpaid.

"(e) PENALTIES.—

"(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

"SEC. 307. ENFORCEMENT OF STORAGE LIENS.

"(a) LIENS.—

"(1) LIMITATION ON FORECLOSURE OR ENFORCEMENT.—A person holding a lien on the property or effects of a servicemember may not, during any period of military service of the servicemember and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

"(2) LIEN DEFINED.—For the purposes of paragraph (1), the term 'lien' includes a lien for storage, repair, or cleaning of the property or effects of a servicemember or a lien on such property or effects for any other reason.

"(b) STAY OF PROCEEDINGS.—In a proceeding to foreclose or enforce a lien subject to this section, the court may on its own motion, and shall if requested by a servicemember whose ability to comply with the obligation resulting in the proceeding is materially affected by military service—

"(1) stay the proceeding for a period of time as justice and equity require; or

"(2) adjust the obligation to preserve the interests of all parties.

The provisions of this subsection do not affect the scope of section 303.

"(c) PENALTIES.—

"(1) MISDEMEANOR.—A person who knowingly takes an action contrary to this section, or attempts to do so, shall be fined as provided in title 18, United States Code, or imprisoned for not more than one year, or both.

"(2) PRESERVATION OF OTHER REMEDIES.—The remedy and rights provided under this section are in addition to and do not preclude any remedy for wrongful conversion otherwise available under law to the person claiming relief under this section, including any consequential or punitive damages.

"SEC. 308. EXTENSION OF PROTECTIONS TO DEPENDENTS.

"Upon application to a court, a dependent of a servicemember is entitled to the protections of this title if the dependent's ability to comply with a lease, contract, bailment, or other obligation is materially affected by reason of the servicemember's military service.

"TITLE IV—LIFE INSURANCE

"SEC. 401. DEFINITIONS.

"For the purposes of this title:

"(1) POLICY.—The term 'policy' means any contract for whole, endowment, universal, or term life insurance, including any benefit in the nature of such insurance arising out of membership in any fraternal or beneficial association which—

"(A) provides that the insurer may not—

"(i) decrease the amount of coverage or increase the amount of premiums if the insured is in military service; or

"(ii) limit or restrict coverage for any activity required by military service; and

"(B) is in force not less than 180 days before the date of the insured's entry into military service and at the time of application under this title.

"(2) PREMIUM.—The term 'premium' means the amount specified in an insurance policy to be paid to keep the policy in force.

"(3) INSURED.—The term 'insured' means a servicemember whose life is insured under a policy.

"(4) INSURER.—The term 'insurer' includes any firm, corporation, partnership, association, or business that is chartered or authorized to provide insurance and issue contracts or policies by the laws of a State or the United States.

"SEC. 402. INSURANCE RIGHTS AND PROTECTIONS.

"(a) RIGHTS AND PROTECTIONS.—The rights and protections under this title apply to the insured when the insured, the insured's designee, or the insured's beneficiary applies in writing for protection under this title, unless the Secretary of Veterans Affairs determines that the insured's policy is not entitled to protection under this title.

"(b) NOTIFICATION AND APPLICATION.—The Secretary of Veterans Affairs shall notify the Secretary concerned of the procedures to be used to apply for the protections provided under this title. The applicant shall send the original application to the insurer and a copy to the Secretary of Veterans Affairs.

"(c) LIMITATION ON AMOUNT.—The total amount of life insurance coverage protection provided by this title for a servicemember

may not exceed \$250,000, or an amount equal to the Servicemember's Group Life Insurance maximum limit, whichever is greater, regardless of the number of policies submitted.

"SEC. 403. APPLICATION FOR INSURANCE PROTECTION.

"(a) APPLICATION PROCEDURE.—An application for protection under this title shall—

"(1) be in writing and signed by the insured, the insured's designee, or the insured's beneficiary, as the case may be;

"(2) identify the policy and the insurer; and

"(3) include an acknowledgement that the insured's rights under the policy are subject to and modified by the provisions of this title.

"(b) ADDITIONAL REQUIREMENTS.—The Secretary of Veterans Affairs may require additional information from the applicant, the insured and the insurer to determine if the policy is entitled to protection under this title.

"(c) NOTICE TO THE SECRETARY BY THE INSURED.—Upon receipt of the application of the insured, the insurer shall furnish a report concerning the policy to the Secretary of Veterans Affairs as required by regulations prescribed by the Secretary.

"(d) POLICY MODIFICATION.—Upon application for protection under this title, the insured and the insurer shall have constructively agreed to any policy modification necessary to give this title full force and effect.

"SEC. 404. POLICIES ENTITLED TO PROTECTION AND LAPSE OF POLICIES.

"(a) DETERMINATION.—The Secretary of Veterans Affairs shall determine whether a policy is entitled to protection under this title and shall notify the insured and the insurer of that determination.

"(b) LAPSE PROTECTION.—A policy that the Secretary determines is entitled to protection under this title shall not lapse or otherwise terminate or be forfeited for the nonpayment of a premium, or interest or indebtedness on a premium, after the date of the application for protection.

"(c) TIME APPLICATION.—The protection provided by this title applies during the insured's period of military service and for a period of two years thereafter.

"SEC. 405. POLICY RESTRICTIONS.

"(a) DIVIDENDS.—While a policy is protected under this title, a dividend or other monetary benefit under a policy may not be paid to an insured or used to purchase dividend additions without the approval of the Secretary of Veterans Affairs. If such approval is not obtained, the dividends or benefits shall be added to the value of the policy to be used as a credit when final settlement is made with the insurer.

"(b) SPECIFIC RESTRICTIONS.—While a policy is protected under this title, cash value, loan value, withdrawal of dividend accumulation, unearned premiums, or other value of similar character may not be available to the insured without the approval of the Secretary. The right of the insured to change a beneficiary designation or select an optional settlement for a beneficiary shall not be affected by the provisions of this title.

"SEC. 406. DEDUCTION OF UNPAID PREMIUMS.

"(a) SETTLEMENT OF PROCEEDS.—If a policy matures as a result of a servicemember's death or otherwise during the period of protection of the policy under this title, the insurer in making settlement shall deduct from the insurance proceeds the amount of the unpaid premiums guaranteed under this title, together with interest due at the rate fixed in the policy for policy loans.

"(b) INTEREST RATE.—If the interest rate is not specifically fixed in the policy, the rate shall be the same as for policy loans in other

policies issued by the insurer at the time the insured's policy was issued.

"(c) REPORTING REQUIREMENT.—The amount deducted under this section, if any, shall be reported by the insurer to the Secretary of Veterans Affairs.

"SEC. 407. PREMIUMS AND INTEREST GUARANTEED BY UNITED STATES.

"(a) GUARANTEE OF PREMIUMS AND INTEREST BY THE UNITED STATES.—

"(1) GUARANTEE.—Payment of premiums, and interest on premiums at the rate specified in section 406, which become due on a policy under the protection of this title is guaranteed by the United States. If the amount guaranteed is not paid to the insurer before the period of insurance protection under this title expires, the amount due shall be treated by the insurer as a policy loan on the policy.

"(2) POLICY TERMINATION.—If, at the expiration of insurance protection under this title, the cash surrender value of a policy is less than the amount due to pay premiums and interest on premiums on the policy, the policy shall terminate. Upon such termination, the United States shall pay the insurer the difference between the amount due and the cash surrender value.

"(b) RECOVERY FROM INSURED OF AMOUNTS PAID BY THE UNITED STATES.—

"(1) DEBT PAYABLE TO THE UNITED STATES.—The amount paid by the United States to an insurer under this title shall be a debt payable to the United States by the insured on whose policy payment was made.

"(2) COLLECTION.—Such amount may be collected by the United States, either as an offset from any amount due the insured by the United States or as otherwise authorized by law.

"(3) DEBT NOT DISCHARGEABLE IN BANKRUPTCY.—Such debt payable to the United States is not dischargeable in bankruptcy proceedings.

"(c) CREDITING OF AMOUNTS RECOVERED.—Any amounts received by the United States as repayment of debts incurred by an insured under this title shall be credited to the appropriation for the payment of claims under this title.

"SEC. 408. REGULATIONS.

"The Secretary of Veterans Affairs shall prescribe regulations for the implementation of this title.

"SEC. 409. REVIEW OF FINDINGS OF FACT AND CONCLUSIONS OF LAW.

"The findings of fact and conclusions of law made by the Secretary of Veterans Affairs in administering this title may be reviewed by the Board of Veterans' Appeals and the United States Court of Appeals for Veterans Claims.

"TITLE V—TAXES AND PUBLIC LANDS

"SEC. 501. TAXES RESPECTING PERSONAL PROPERTY, MONEY, CREDITS, AND REAL PROPERTY.

"(a) APPLICATION.—This section applies in any case in which a tax or assessment, whether general or special (other than a tax on personal income), falls due and remains unpaid before or during a period of military service with respect to a servicemember's—

"(1) personal property; or

"(2) real property occupied for dwelling, professional, business, or agricultural purposes by a servicemember or the servicemember's dependents or employees—

"(A) before the servicemember's entry into military service; and

"(B) during the time the tax or assessment remains unpaid.

"(b) SALE OF PROPERTY.—

"(1) LIMITATION ON SALE OF PROPERTY TO ENFORCE TAX ASSESSMENT.—Property described in subsection (a) may not be sold to enforce the collection of such tax or assess-

ment except by court order and upon the determination by the court that military service does not materially affect the servicemember's ability to pay the unpaid tax or assessment.

"(2) STAY OF COURT PROCEEDINGS.—A court may stay a proceeding to enforce the collection of such tax or assessment, or sale of such property, during a period of military service of the servicemember and for a period not more than 180 days after the termination of, or release of the servicemember from, military service.

"(c) REDEMPTION.—When property described in subsection (a) is sold or forfeited to enforce the collection of a tax or assessment, a servicemember shall have the right to redeem or commence an action to redeem the servicemember's property during the period of military service or within 180 days after termination of or release from military service. This subsection may not be construed to shorten any period provided by the law of a State (including any political subdivision of a State) for redemption.

"(d) INTEREST ON TAX OR ASSESSMENT.—Whenever a servicemember does not pay a tax or assessment on property described in subsection (a) when due, the amount of the tax or assessment due and unpaid shall bear interest until paid at the rate of 6 percent per year. An additional penalty or interest shall not be incurred by reason of nonpayment. A lien for such unpaid tax or assessment may include interest under this subsection.

"(e) JOINT OWNERSHIP APPLICATION.—This section applies to all forms of property described in subsection (a) owned individually by a servicemember or jointly by a servicemember and a dependent or dependents.

"SEC. 502. RIGHTS IN PUBLIC LANDS.

"(a) RIGHTS NOT FORFEITED.—The rights of a servicemember to lands owned or controlled by the United States, and initiated or acquired by the servicemember under the laws of the United States (including the mining and mineral leasing laws) before military service, shall not be forfeited or prejudiced as a result of being absent from the land, or by failing to begin or complete any work or improvements to the land, during the period of military service.

"(b) TEMPORARY SUSPENSION OF PERMITS OR LICENSES.—If a permittee or licensee under the Act of June 28, 1934 (43 U.S.C. 315 et seq.), enters military service, the permittee or licensee may suspend the permit or license for the period of military service and for 180 days after termination of or release from military service.

"(c) REGULATIONS.—Regulations prescribed by the Secretary of the Interior shall provide for such suspension of permits and licenses and for the remission, reduction, or refund of grazing fees during the period of such suspension.

"SEC. 503. DESERT-LAND ENTRIES.

"(a) DESERT-LAND RIGHTS NOT FORFEITED.—A desert-land entry made or held under the desert-land laws before the entrance of the entryman or the entryman's successor in interest into military service shall not be subject to contest or cancellation—

"(1) for failure to expend any required amount per acre per year in improvements upon the claim;

"(2) for failure to effect the reclamation of the claim during the period the entryman or the entryman's successor in interest is in the military service, or for 180 days after termination of or release from military service; or

"(3) during any period of hospitalization or rehabilitation due to an injury or disability incurred in the line of duty.

The time within which the entryman or claimant is required to make such expenditures and effect reclamation of the land shall be exclusive of the time periods described in paragraphs (2) and (3).

“(b) SERVICE-RELATED DISABILITY.—If an entryman or claimant is honorably discharged and is unable to accomplish reclamation of, and payment for, desert land due to a disability incurred in the line of duty, the entryman or claimant may make proof without further reclamation or payments, under regulations prescribed by the Secretary of the Interior, and receive a patent for the land entered or claimed.

“(c) FILING REQUIREMENT.—In order to obtain the protection of this section, the entryman or claimant shall, within 180 days after entry into military service, cause to be filed in the land office of the district where the claim is situated a notice communicating the fact of military service and the desire to hold the claim under this section.

“SEC. 504. MINING CLAIMS.

“(a) REQUIREMENTS SUSPENDED.—The provisions of section 2324 of the Revised Statutes of the United States (30 U.S.C. 28) specified in subsection (b) shall not apply to a servicemember's claims or interests in claims, regularly located and recorded, during a period of military service and 180 days thereafter, or during any period of hospitalization or rehabilitation due to injuries or disabilities incurred in the line of duty.

“(b) REQUIREMENTS.—The provisions in section 2324 of the Revised Statutes that shall not apply under subsection (a) are those which require that on each mining claim located after May 10, 1872, and until a patent has been issued for such claim, not less than \$100 worth of labor shall be performed or improvements made during each year.

“(c) PERIOD OF PROTECTION FROM FORFEITURE.—A mining claim or an interest in a claim owned by a servicemember that has been regularly located and recorded shall not be subject to forfeiture for nonperformance of annual assessments during the period of military service and for 180 days thereafter, or for any period of hospitalization or rehabilitation described in subsection (a).

“(d) FILING REQUIREMENT.—In order to obtain the protections of this section, the claimant of a mining location shall, before the end of the assessment year in which military service is begun or within 60 days after the end of such assessment year, cause to be filed in the office where the location notice or certificate is recorded a notice communicating the fact of military service and the desire to hold the mining claim under this section.

“SEC. 505. MINERAL PERMITS AND LEASES.

“(a) SUSPENSION DURING MILITARY SERVICE.—A person holding a permit or lease on the public domain under the Federal mineral leasing laws who enters military service may suspend all operations under the permit or lease for the duration of military service and for 180 days thereafter. The term of the permit or lease shall not run during the period of suspension, nor shall any rental or royalties be charged against the permit or lease during the period of suspension.

“(b) NOTIFICATION.—In order to obtain the protection of this section, the permittee or lessee shall, within 180 days after entry into military service, notify the Secretary of the Interior by registered mail of the fact that military service has begun and of the desire to hold the claim under this section.

“(c) CONTRACT MODIFICATION.—This section shall not be construed to supersede the terms of any contract for operation of a permit or lease.

“SEC. 506. PERFECTION OR DEFENSE OF RIGHTS.

“(a) RIGHT TO TAKE ACTION NOT AFFECTED.—This title shall not affect the right

of a servicemember to take action during a period of military service that is authorized by law or regulations of the Department of the Interior, for the perfection, defense, or further assertion of rights initiated or acquired before entering military service.

“(b) AFFIDAVITS AND PROOFS.—

“(1) IN GENERAL.—A servicemember during a period of military service may make any affidavit or submit any proof required by law, practice, or regulation of the Department of the Interior in connection with the entry, perfection, defense, or further assertion of rights initiated or acquired before entering military service before an officer authorized to provide notary services under section 1044a of title 10, United States Code, or any superior commissioned officer.

“(2) LEGAL STATUS OF AFFIDAVITS.—Such affidavits shall be binding in law and subject to the same penalties as prescribed by section 1001 of title 18, United States Code.

“SEC. 507. DISTRIBUTION OF INFORMATION CONCERNING BENEFITS OF TITLE.

“(a) DISTRIBUTION OF INFORMATION BY SECRETARY CONCERNED.—The Secretary concerned shall issue to servicemembers information explaining the provisions of this title.

“(b) APPLICATION FORMS.—The Secretary concerned shall provide application forms to servicemembers requesting relief under this title.

“(c) INFORMATION FROM SECRETARY OF THE INTERIOR.—The Secretary of the Interior shall furnish to the Secretary concerned information explaining the provisions of this title (other than sections 501, 510, and 511) and related application forms.

“SEC. 508. LAND RIGHTS OF SERVICEMEMBERS.

“(a) NO AGE LIMITATIONS.—Any servicemember under the age of 21 in military service shall be entitled to the same rights under the laws relating to lands owned or controlled by the United States, including mining and mineral leasing laws, as those servicemembers who are 21 years of age.

“(b) RESIDENCY REQUIREMENT.—Any requirement related to the establishment of a residence within a limited time shall be suspended as to entry by a servicemember in military service until 180 days after termination of or release from military service.

“(c) ENTRY APPLICATIONS.—Applications for entry may be verified before a person authorized to administer oaths under section 1044a of title 10, United States Code, or under the laws of the State where the land is situated.

“SEC. 509. REGULATIONS.

“The Secretary of the Interior may issue regulations necessary to carry out this title (other than sections 501, 510, and 511).

“SEC. 510. INCOME TAXES.

“(a) DEFERRAL OF TAX.—Upon notice to the Internal Revenue Service or the tax authority of a State or a political subdivision of a State, the collection of income tax on the income of a servicemember falling due before or during military service shall be deferred for a period not more than 180 days after termination of or release from military service, if a servicemember's ability to pay such income tax is materially affected by military service.

“(b) ACCRUAL OF INTEREST OR PENALTY.—No interest or penalty shall accrue for the period of deferment by reason of nonpayment on any amount of tax deferred under this section.

“(c) STATUTE OF LIMITATIONS.—The running of a statute of limitations against the collection of tax deferred under this section, by seizure or otherwise, shall be suspended for the period of military service of the servicemember and for an additional period of 270 days thereafter.

“(d) APPLICATION LIMITATION.—This section shall not apply to the tax imposed on employees by section 3101 of the Internal Revenue Code of 1986.

“SEC. 511. RESIDENCE FOR TAX PURPOSES.

“(a) RESIDENCE OR DOMICILE.—A servicemember shall neither lose nor acquire a residence or domicile for purposes of taxation with respect to the person, personal property, or income of the servicemember by reason of being absent or present in any tax jurisdiction of the United States solely in compliance with military orders.

“(b) MILITARY SERVICE COMPENSATION.—Compensation of a servicemember for military service shall not be deemed to be income for services performed or from sources within a tax jurisdiction of the United States if the servicemember is not a resident or domiciliary of the jurisdiction in which the servicemember is serving in compliance with military orders.

“(c) PERSONAL PROPERTY.—

“(1) RELIEF FROM PERSONAL PROPERTY TAXES.—The personal property of a servicemember shall not be deemed to be located or present in, or to have a situs for taxation in, the tax jurisdiction in which the servicemember is serving in compliance with military orders.

“(2) EXCEPTION FOR PROPERTY WITHIN MEMBER'S DOMICILE OR RESIDENCE.—This subsection applies to personal property or its use within any tax jurisdiction other than the servicemember's domicile or residence.

“(3) EXCEPTION FOR PROPERTY USED IN TRADE OR BUSINESS.—This section does not prevent taxation by a tax jurisdiction with respect to personal property used in or arising from a trade or business, if it has jurisdiction.

“(4) RELATIONSHIP TO LAW OF STATE OF DOMICILE.—Eligibility for relief from personal property taxes under this subsection is not contingent on whether or not such taxes are paid to the State of domicile.

“(d) INCREASE OF TAX LIABILITY.—A tax jurisdiction may not use the military compensation of a nonresident servicemember to increase the tax liability imposed on other income earned by the nonresident servicemember or spouse subject to tax by the jurisdiction.

“(e) FEDERAL INDIAN RESERVATIONS.—An Indian servicemember whose legal residence or domicile is a Federal Indian reservation shall be taxed by the laws applicable to Federal Indian reservations and not the State where the reservation is located.

“(f) DEFINITIONS.—For purposes of this section:

“(1) PERSONAL PROPERTY.—The term ‘personal property’ means intangible and tangible property (including motor vehicles).

“(2) TAXATION.—The term ‘taxation’ includes licenses, fees, or excises imposed with respect to motor vehicles and their use, if the license, fee, or excise is paid by the servicemember in the servicemember's State of domicile or residence.

“(3) TAX JURISDICTION.—The term ‘tax jurisdiction’ means a State or a political subdivision of a State.

“TITLE VI—ADMINISTRATIVE REMEDIES

“SEC. 601. INAPPROPRIATE USE OF ACT.

“If a court determines, in any proceeding to enforce a civil right, that any interest, property, or contract has been transferred or acquired with the intent to delay the just enforcement of such right by taking advantage of this Act, the court shall enter such judgment or make such order as might lawfully be entered or made concerning such transfer or acquisition.

“SEC. 602. CERTIFICATES OF SERVICE; PERSONS REPORTED MISSING.

“(a) PRIMA FACIE EVIDENCE.—In any proceeding under this Act, a certificate signed

by the Secretary concerned is prima facie evidence as to any of the following facts stated in the certificate:

“(1) That a person named is, is not, has been, or has not been in military service.

“(2) The time and the place the person entered military service.

“(3) The person's residence at the time the person entered military service.

“(4) The rank, branch, and unit of military service of the person upon entry.

“(5) The inclusive dates of the person's military service.

“(6) The monthly pay received by the person at the date of the certificate's issuance.

“(7) The time and place of the person's termination of or release from military service, or the person's death during military service.

“(b) CERTIFICATES.—The Secretary concerned shall furnish a certificate under subsection (a) upon receipt of an application for such a certificate. A certificate appearing to be signed by the Secretary concerned is prima facie evidence of its contents and of the signer's authority to issue it.

“(c) TREATMENT OF SERVICEMEMBERS IN MISSING STATUS.—A servicemember who has been reported missing is presumed to continue in service until accounted for. A requirement under this Act that begins or ends with the death of a servicemember does not begin or end until the servicemember's death is reported to, or determined by, the Secretary concerned or by a court of competent jurisdiction.

“SEC. 603. INTERLOCUTORY ORDERS.

“An interlocutory order issued by a court under this Act may be revoked, modified, or extended by that court upon its own motion or otherwise, upon notification to affected parties as required by the court.

“TITLE VII—FURTHER RELIEF

“SEC. 701. ANTICIPATORY RELIEF.

“(a) APPLICATION FOR RELIEF.—A servicemember may, during military service or within 180 days of termination of or release from military service, apply to a court for relief—

“(1) from any obligation or liability incurred by the servicemember before the servicemember's military service; or

“(2) from a tax or assessment falling due before or during the servicemember's military service.

“(b) TAX LIABILITY OR ASSESSMENT.—In a case covered by subsection (a), the court may, if the ability of the servicemember to comply with the terms of such obligation or liability or pay such tax or assessment has been materially affected by reason of military service, after appropriate notice and hearing, grant the following relief:

“(1) STAY OF ENFORCEMENT OF REAL ESTATE CONTRACTS.—

“(A) In the case of an obligation payable in installments under a contract for the purchase of real estate, or secured by a mortgage or other instrument in the nature of a mortgage upon real estate, the court may grant a stay of the enforcement of the obligation—

“(i) during the servicemember's period of military service; and

“(ii) from the date of termination of or release from military service, or from the date of application if made after termination of or release from military service.

“(B) Any stay under this paragraph shall be—

“(i) for a period equal to the remaining life of the installment contract or other instrument, plus a period of time equal to the period of military service of the servicemember, or any part of such combined period; and

“(ii) subject to payment of the balance of the principal and accumulated interest due

and unpaid at the date of termination or release from the applicant's military service or from the date of application in equal installments during the combined period at the rate of interest on the unpaid balance prescribed in the contract or other instrument evidencing the obligation, and subject to other terms as may be equitable.

“(2) STAY OF ENFORCEMENT OF OTHER CONTRACTS.—

“(A) In the case of any other obligation, liability, tax, or assessment, the court may grant a stay of enforcement—

“(i) during the servicemember's military service; and

“(ii) from the date of termination of or release from military service, or from the date of application if made after termination or release from military service.

“(B) Any stay under this paragraph shall be—

“(i) for a period of time equal to the period of the servicemember's military service or any part of such period; and

“(ii) subject to payment of the balance of principal and accumulated interest due and unpaid at the date of termination or release from military service, or the date of application, in equal periodic installments during this extended period at the rate of interest as may be prescribed for this obligation, liability, tax, or assessment, if paid when due, and subject to other terms as may be equitable.

“(c) AFFECT OF STAY ON FINE OR PENALTY.—When a court grants a stay under this section, a fine or penalty shall not accrue on the obligation, liability, tax, or assessment for the period of compliance with the terms and conditions of the stay.

“SEC. 702. POWER OF ATTORNEY.

“(a) AUTOMATIC EXTENSION.—A power of attorney of a servicemember shall be automatically extended for the period the servicemember is in a missing status (as defined in section 551(2) of title 37, United States Code) if the power of attorney—

“(1) was duly executed by the servicemember—

“(A) while in military service; or

“(B) before entry into military service but after the servicemember—

“(i) received a call or order to report for military service; or

“(ii) was notified by an official of the Department of Defense that the person could receive a call or order to report for military service;

“(2) designates the servicemember's spouse, parent, or other named relative as the servicemember's attorney in fact for certain, specified, or all purposes; and

“(3) expires by its terms after the servicemember entered a missing status.

“(b) LIMITATION ON POWER OF ATTORNEY EXTENSION.—A power of attorney executed by a servicemember may not be extended under subsection (a) if the document by its terms clearly indicates that the power granted expires on the date specified even though the servicemember, after the date of execution of the document, enters a missing status.

“SEC. 703. PROFESSIONAL LIABILITY PROTECTION.

“(a) APPLICABILITY.—This section applies to a servicemember who—

“(1) after July 31, 1990, is ordered to active duty (other than for training) pursuant to sections 688, 12301(a), 12301(g), 12302, 12304, 12306, or 12307 of title 10, United States Code, or who is ordered to active duty under section 12301(d) of such title during a period when members are on active duty pursuant to any of the preceding sections; and

“(2) immediately before receiving the order to active duty—

“(A) was engaged in the furnishing of health-care or legal services or other services determined by the Secretary of Defense to be professional services; and

“(B) had in effect a professional liability insurance policy that does not continue to cover claims filed with respect to the servicemember during the period of the servicemember's active duty unless the premiums are paid for such coverage for such period.

“(b) SUSPENSION OF COVERAGE.—

“(1) SUSPENSION.—Coverage of a servicemember referred to in subsection (a) by a professional liability insurance policy shall be suspended by the insurance carrier in accordance with this subsection upon receipt of a written request from the servicemember, or the servicemember's legal representative, by the insurance carrier.

“(2) PREMIUMS FOR SUSPENDED CONTRACTS.—A professional liability insurance carrier—

“(A) may not require that premiums be paid by or on behalf of a servicemember for any professional liability insurance coverage suspended pursuant to paragraph (1); and

“(B) shall refund any amount paid for coverage for the period of such suspension or, upon the election of such servicemember, apply such amount for the payment of any premium becoming due upon the reinstatement of such coverage.

“(3) NONLIABILITY OF CARRIER DURING SUSPENSION.—A professional liability insurance carrier shall not be liable with respect to any claim that is based on professional conduct (including any failure to take any action in a professional capacity) of a servicemember that occurs during a period of suspension of that servicemember's professional liability insurance under this subsection.

“(4) CERTAIN CLAIMS CONSIDERED TO ARISE BEFORE SUSPENSION.—For the purposes of paragraph (3), a claim based upon the failure of a professional to make adequate provision for a patient, client, or other person to receive professional services or other assistance during the period of the professional's active duty service shall be considered to be based on an action or failure to take action before the beginning of the period of the suspension of professional liability insurance under this subsection, except in a case in which professional services were provided after the date of the beginning of such period.

“(c) REINSTATEMENT OF COVERAGE.—

“(1) REINSTATEMENT REQUIRED.—Professional liability insurance coverage suspended in the case of any servicemember pursuant to subsection (b) shall be reinstated by the insurance carrier on the date on which that servicemember transmits to the insurance carrier a written request for reinstatement.

“(2) TIME AND PREMIUM FOR REINSTATEMENT.—The request of a servicemember for reinstatement shall be effective only if the servicemember transmits the request to the insurance carrier within 30 days after the date on which the servicemember is released from active duty. The insurance carrier shall notify the servicemember of the due date for payment of the premium of such insurance. Such premium shall be paid by the servicemember within 30 days after receipt of that notice.

“(3) PERIOD OF REINSTATED COVERAGE.—The period for which professional liability insurance coverage shall be reinstated for a servicemember under this subsection may not be less than the balance of the period for which coverage would have continued under the insurance policy if the coverage had not been suspended.

“(d) INCREASE IN PREMIUM.—

“(1) LIMITATION ON PREMIUM INCREASES.—An insurance carrier may not increase the amount of the premium charged for professional liability insurance coverage of any servicemember for the minimum period of the reinstatement of such coverage required under subsection (c)(3) to an amount greater than the amount chargeable for such coverage for such period before the suspension.

“(2) EXCEPTION.—Paragraph (1) does not prevent an increase in premium to the extent of any general increase in the premiums charged by that carrier for the same professional liability coverage for persons similarly covered by such insurance during the period of the suspension.

“(e) CONTINUATION OF COVERAGE OF UNAFFECTED PERSONS.—This section does not—

“(1) require a suspension of professional liability insurance protection for any person who is not a person referred to in subsection (a) and who is covered by the same professional liability insurance as a person referred to in such subsection; or

“(2) relieve any person of the obligation to pay premiums for the coverage not required to be suspended.

“(f) STAY OF CIVIL OR ADMINISTRATIVE ACTIONS.—

“(1) STAY OF ACTIONS.—A civil or administrative action for damages on the basis of the alleged professional negligence or other professional liability of a servicemember whose professional liability insurance coverage has been suspended under subsection (b) shall be stayed until the end of the period of the suspension if—

“(A) the action was commenced during the period of the suspension;

“(B) the action is based on an act or omission that occurred before the date on which the suspension became effective; and

“(C) the suspended professional liability insurance would, except for the suspension, on its face cover the alleged professional negligence or other professional liability of the servicemember.

“(2) DATE OF COMMENCEMENT OF ACTION.—Whenever a civil or administrative action for damages is stayed under paragraph (1) in the case of any servicemember, the action shall have been deemed to have been filed on the date on which the professional liability insurance coverage of the servicemember is reinstated under subsection (c).

“(g) EFFECT OF SUSPENSION UPON LIMITATIONS PERIOD.—In the case of a civil or administrative action for which a stay could have been granted under subsection (f) by reason of the suspension of professional liability insurance coverage of the defendant under this section, the period of the suspension of the coverage shall be excluded from the computation of any statutory period of limitation on the commencement of such action.

“(h) DEATH DURING PERIOD OF SUSPENSION.—If a servicemember whose professional liability insurance coverage is suspended under subsection (b) dies during the period of the suspension—

“(1) the requirement for the grant or continuance of a stay in any civil or administrative action against such servicemember under subsection (f)(1) shall terminate on the date of the death of such servicemember; and

“(2) the carrier of the professional liability insurance so suspended shall be liable for any claim for damages for professional negligence or other professional liability of the deceased servicemember in the same manner and to the same extent as such carrier would be liable if the servicemember had died while covered by such insurance but before the claim was filed.

“(i) DEFINITIONS.—For purposes of this section:

“(1) The term ‘active duty’ has the meaning given that term in section 101(d)(1) of title 10, United States Code.

“(2) The term ‘profession’ includes occupation.

“(3) The term ‘professional’ includes occupational.

“SEC. 704. HEALTH INSURANCE REINSTATEMENT.

“(a) REINSTATEMENT OF HEALTH INSURANCE.—A servicemember who, by reason of military service as defined in section 703(a)(1), is entitled to the rights and protections of this Act shall also be entitled upon termination or release from such service to reinstatement of any health insurance that—

“(1) was in effect on the day before such service commenced; and

“(2) was terminated effective on a date during the period of such service.

“(b) NO EXCLUSION OR WAITING PERIOD.—The reinstatement of health care insurance coverage for the health or physical condition of a servicemember described in subsection (a), or any other person who is covered by the insurance by reason of the coverage of the servicemember, shall not be subject to an exclusion or a waiting period, if—

“(1) the condition arose before or during the period of such service;

“(2) an exclusion or a waiting period would not have been imposed for the condition during the period of coverage; and

“(3) if the condition relates to the servicemember, the condition has not been determined by the Secretary of Veterans Affairs to be a disability incurred or aggravated in the line of duty (within the meaning of section 105 of title 38, United States Code).

“(c) EXCEPTIONS.—Subsection (a) does not apply to a servicemember entitled to participate in employer-offered insurance benefits pursuant to the provisions of chapter 43 of title 38, United States Code.

“(d) TIME FOR APPLYING FOR REINSTATEMENT.—An application under this section must be filed not later than 120 days after the date of the termination of or release from military service.

“SEC. 705. GUARANTEE OF RESIDENCY FOR MILITARY PERSONNEL.

“For the purposes of voting for any Federal office (as defined in section 301 of the Federal Election Campaign Act of 1971 (2 U.S.C. 431)) or a State or local office, a person who is absent from a State in compliance with military or naval orders shall not, solely by reason of that absence—

“(1) be deemed to have lost a residence or domicile in that State, without regard to whether or not the person intends to return to that State;

“(2) be deemed to have acquired a residence or domicile in any other State; or

“(3) be deemed to have become a resident in or a resident of any other State.”.

SEC. 2. CONFORMING AMENDMENTS.

(a) MILITARY SELECTIVE SERVICE ACT.—Section 14 of the Military Selective Service Act (50 U.S.C. App. 464) is repealed.

(b) TITLE 5, UNITED STATES CODE.—

(1) Section 5520a(k)(2)(A) of title 5, United States Code, is amended by striking “Soldiers’ and Sailors’ Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”; and

(2) Section 5569(e) of title 5, United States Code, is amended—

(A) in paragraph (1), by striking “provided by the Soldiers’ and Sailors’ Civil Relief Act of 1940” and all that follows through “of such Act” and inserting “provided by the Servicemembers Civil Relief Act, including the benefits provided by section 702 of such Act but excluding the benefits provided by sections 104, 105, and 106, title IV, and title V (other than sections 501 and 510) of such Act”; and

(B) in paragraph (2)(A), by striking “person in the military service” and inserting “servicemember”.

(c) TITLE 10, UNITED STATES CODE.—Section 1408(b)(1)(D) of title 10, United States Code, is amended by striking “Soldiers’ and Sailors’ Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”.

(d) INTERNAL REVENUE CODE.—Section 7654(d)(1) of the Internal Revenue Code of 1986 is amended by striking “Soldiers’ and Sailors’ Civil Relief Act” and inserting “Servicemembers Civil Relief Act”.

(e) PUBLIC HEALTH SERVICE ACT.—Section 212(e) of the Public Health Service Act (42 U.S.C. 213(e)) is amended by striking “Soldiers’ and Sailors’ Civil Relief Act of 1940” and inserting “Servicemembers Civil Relief Act”.

(f) ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965.—Section 8001 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7701) is amended by striking “section 514 of the Soldiers’ and Sailors’ Civil Relief Act of 1940 (50 U.S.C. App. 574)” in the matter preceding paragraph (1) and inserting “section 511 of the Servicemembers Civil Relief Act”.

SEC. 3. EFFECTIVE DATE.

The amendment made by section 1 shall apply to any case that is not final before the date of the enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS) each will control 20 minutes.

The Chair recognizes the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on the first day of this session the gentleman from Illinois (Mr. EVANS) and I introduced, along with now more than three dozen of our distinguished colleagues, H.R. 100, the Servicemembers Civil Relief Act, as a top legislative priority of the Committee on Veterans’ Affairs. With the war on terrorism and hundreds of thousands of our servicemembers on active duty in Iraq, Afghanistan and around the world, it is important that we lessen the burdens that they and their loved ones may face at home as a direct result of their service.

H.R. 100 will strengthen the rights and protections afforded U.S. military personnel called to active duty so that they are not harmed in civil, financial or legal proceedings. I am pleased that this bipartisan legislation has attracted broad support from veterans groups, military associations and the legal community. H.R. 100 is a complete restatement of the law known as the Soldiers’ and Sailors’ Civil Relief Act of 1940. A “restatement” of a law has long been understood to mean a law that has been updated, clarified and strengthened, including a gathering of the relevant judicial interpretations and a measured casting aside of those few interpretations that do not comport with the author’s understanding of the law’s intent.

This revision of the act has been in the works for a number of years. The Committee on Veterans’ Affairs originally held hearings on a similarly intended measure, H.R. 4763, in the 102nd

Congress. Last year, the Subcommittee on Benefits held 2 days of hearings on an almost identical measure, H.R. 5111.

The need for a Federal law such as the Servicemembers Civil Relief Act goes back to at least the Civil War, and a State law in Louisiana was passed as far back as the War of 1812. The first modern relief law was enacted in 1918. While H.R. 100, the bill before us, retains the time-tested basic rights and protections of the 1940 version of the law and its 1942 amendments, it also reflects the evolution of our legal processes during the past 60 years. The Committee on Veterans' Affairs has filed a bill report which contains a detailed explanation of the restatement. I recommend the bill report to those who seek a more detailed understanding of H.R. 100, as amended.

The current law is potentially applicable to a large number of personal transactions and any civil legal proceeding involving a servicemember. The courts have generally been understanding of the situation of the servicemembers who invoke its protections. They understand that these servicemembers are absent because they are doing the most important work of all, defending our national interests, our freedoms and our way of life.

In explaining the act, countless authors have been quick to remind us that the act is intended to give a temporary reprieve to a servicemember and that it reflects the need to be fair to all parties by relying upon the courts to determine whether the servicemember's ability to protect his or her rights or to meet obligations has been materially affected by military service. Those purposes are faithfully carried forward in this restatement.

Many of the provisions in the act and in H.R. 100 would only be of interest to persons involved in legal proceedings. Let me outline some that apply more generally to all servicemembers. For example, servicemembers would be protected against what amounts to a clever evasion of the prohibition against double taxation of a servicemember's military income when they must live outside the State where they are legal residents. What is happening is that some States where nonresident military personnel are stationed are counting a servicemember's military pay on which income taxes are paid elsewhere for determining the service-member's graduated tax rate on family income earned within the State. This is an outrageous exploitation of servicemembers who cannot even vote against the politicians who are doing it, and H.R. 100 would put a stop to it.

Any servicemember whose military service materially affects his or her ability to pay a debt incurred before entering military service is entitled to have the interest rate on this debt reduced to 6 percent. There has been dispute whether interest in excess of the 6 percent was deferred or forgiven and whether the lender must reduce the

monthly payment. H.R. 100 makes it clear that such interest is forgiven and the monthly payment is reduced in keeping with the act's policy objective of reducing monthly obligations at a time when mobilized National Guard or Reserve members are likely to have a reduced income.

Active duty servicemembers who have permanent change of station orders or who are being deployed for more than 90 days would be allowed to terminate housing leases. Right now, servicemembers can be forced to pay rent for housing they cannot live in because our government sent them somewhere else.

An eviction proceeding against a servicemember could be delayed for at least 90 days if he or she invokes the act.

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Eviction protection would be updated to reflect the increase in the cost of rental housing. The current act only applies to leases of less than \$1,200 per month. H.R. 100 would increase that amount to \$1,700 per month, and the amount would increase each year in accordance with a housing rental index.

The act protects against the lapse of life insurance policies when an individual enters military service. The act's life insurance coverage would be raised from \$10,000 to \$250,000, or the SGLI maximum, whichever is greater.

All motor vehicles and other property would be included in the act's installment contract provisions so that in the case of a service member who, for example, has fallen behind on car lease payments, the lessor must obtain a court order before repossessing the car.

The current act does not clearly apply to simple administrative proceedings, which are far more common today than they were in 1940. H.R. 100 would include administrative proceedings, such as license and zoning matters, under the act's rights and protections.

There are, Mr. Speaker, many other provisions which affect particular rights or particular statutes such as Federal mining and reclamation acts. Many of the other changes in language and terms merely reflect the language of the law as it is practiced today.

Mr. Speaker, the actual preparation of this bill was a collaborative effort between our committee counsel, the Office of Legislative Counsel, and, most importantly, representatives of the judge advocates general of the military departments. The JAG officers played a crucial role in relating how the current law is understood by their fellow JAG advisors, who must often counsel servicemembers on their rights and obligations under the law and who have direct experience with the issues and the problems that arise under it.

I want to commend, Mr. Speaker, all of the dedicated and capable members of the various staffs who worked so

hard to prepare this legislation. Beginning with H.R. 4763 back in 1992, the JAG officers who provided the technical services for the very important initial draft of H.R. 4763 were Commander Christopher Gentile, U.S. Naval Reserve; Lieutenant Colonel Amy J. Griese, U.S. Air Force Reserve; Gregory M. Huckabee, U.S. Army; and Major Teresa J. Wright, U.S. Marine Corps.

The JAG officers who provided the excellent technical services for the updated draft for H.R. 5111 were Lieutenant Colonel Patrick W. Lindemann, U.S. Air Force; Major Eugene J. Martin, U.S. Army; Mr. Eric C. Stamets, civilian employee from the U.S. Army. Lieutenant Colonel Griese returned to the restatement effort by providing extensive technical services on the bill report for H.R. 100. Colonel Steven T. Strong, U.S. Army; and Colonel Wanda Good, U.S. Army also provided highly effective services on H.R. 5111 and H.R. 100, the bill before the committee and the Department of the Defense.

The Committee on Veterans Affairs counsel who prepared the hearings in 1992 and 2000 and were the lead staff members on H.R. 4763, 5111, and the bill before us today, H.R. 100, are Patrick Ryan and Kingston Smith. Minority committee counsel also worked very hard in drafting these bills, Mary Ellen McCarthy and Geoffrey Colver. Committee staff assistants who helped with research and proofreading are Summer Larson and Devon Seibert. Also Robert Cover of the Office of Legislative Counsel performed invaluable drafting services on each of these three bills and the final product that is before the body today.

Most especially I want to thank the gentleman from Illinois (Mr. EVANS). My good friend and colleague is the committee's ranking Democrat who has been my active partner on this legislation and many other bills that we have brought before the House and who proposed coverage for the act for certain National Guard members that became part of the law last year.

Although the revision of this law has been in preparation for more than 10 years, I cannot think of a better time for this body to be considering it than today. I urge all Members to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 100, the Servicemembers Civil Relief Act, the bill to modernize the Soldiers' and Sailors' Civil Relief Act of 1940.

The chairman of the committee has outlined most of the important provisions and the bipartisan work that went into putting this piece of legislation forward. It is truly a bipartisan effort. I also want to thank the Department of Defense and especially the Air Force for their contributions to the bill. Last year we held two hearings on an earlier version of this bill. I am particularly pleased that the bill allows

for automatic updating of certain provisions such as the ceiling on rents subject to the protections of the act. Legislation which provides automatic links to other laws and criteria avoid becoming quickly outdated.

I have been approached by Members who would like to see additional bills considered to provide protection from civil liabilities. I hope that the committee will hold a hearing on other bills which have been introduced.

With the men and women of our country serving in Iraq, Afghanistan and throughout the world, it is important to provide them with an up-to-date protection act now.

H.R. 100 is a good bill, and I urge my colleagues to show their support for our troops by voting for it.

Mr. Speaker, I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, owing to the fact that I have a markup at the Committee on International Relations and I would like to get to it, I ask unanimous consent that the remainder of our time be controlled by the gentleman from the great State of Connecticut (Mr. SIMMONS), the subcommittee chairman.

The SPEAKER pro tempore (Mr. NETHERCUTT). Is there objection to the request by the gentleman from New Jersey?

There was no objection.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

I simply want to add my support for this legislation. Prior to coming to this body as a Member of Congress, I was in the U.S. Army Reserves for a number of years, over 30 years. I have had the experience, the personal experience, of commanding a unit that received an activation notice; and I have had the personal experience of being involved with not only deployed soldiers but soldiers whose families have been left behind. I have received that phone call from the wife of a deployed soldier saying, I cannot afford to pay the rent. My husband made more money in the civilian sector than he made as a deployed soldier, and I am behind in my rent, and I run the risk of being evicted. And I have had to wrestle with that issue even to the point of offering to pass the hat among those unit members who stayed behind to see if we could help her stay in her home while her husband was overseas defending our Nation, our people, our values, and our interests.

I have had a deployed soldier come back to find that there was no job even though he thought his job was guaranteed. In fact, the job he had as the head of a division of a larger corporation was restructured and reorganized. So the division was no longer there; so the job was no longer there.

It is incumbent upon us as Members of Congress to ensure that these anecdotal, but horrible, stories do not occur again. It is incumbent upon us as Members of the Committee on Veterans Affairs to ensure that the public policy of this Nation treats our veterans, our re-

serves, and our National Guard fairly and equitably when they are called up, activated, and deployed to fight for us in foreign lands around the world, to ensure that their jobs are waiting for them when they return, to ensure that their families are not put under a financial burden as a consequence of their service.

This is not an issue relative to one party or another. This is not a Republican or a Democrat issue. This is an issue which we as Americans must address, and that is what this legislation does. I thank my colleagues in the committee for their bipartisan approach to this issue.

Mr. Speaker, I reserve the balance of my time.

Mr. EVANS. Mr. Speaker, I yield 3 minutes to the gentleman from Maine (Mr. MICHAUD).

Mr. MICHAUD. Mr. Speaker, I thank the ranking member for yielding me this time.

I rise in strong support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the gentleman from New Jersey (Mr. SMITH), chairman, and the gentleman from Illinois (Mr. EVANS), ranking member, for their leadership on this legislation which re-states, modernizes and improves the Soldiers' and Sailors' Civil Relief Act of 1940.

The Servicemembers Civil Relief Act gives our military personnel the piece of mind they deserve. It allows them to do their military duty for our country and to provide for the national defense without having to worry about their obligations back home. Beyond clarifying and updating, H.R. 100 expands legal and administrative protections for our men and women in uniform. It would increase the rental eviction protection from \$1,200 to \$1,700; allow for termination of property releases if personnel are activated or deployed before living in the property; and provide professional liability protection, health insurance, and guaranteed residency for military purposes.

I am also pleased that this legislation acknowledges the importance of women in military service and is appropriately titled Servicemembers Civil Relief Act. And I am pleased that H.R. 100 includes recognition of the Federal protections recently extended to members of the National Guard who are called upon under title 32 of the U.S. Code. When our men and women risk their lives to protect this country, it should not matter under which law that they are called.

Mr. Speaker, the war on terrorism is not over, and the peace in Iraq is not yet won. Our military personnel are still in harm's way overseas, and they deserve to know that their sacrifices will not have a negative impact on their obligations here at home.

I fully support H.R. 100 and urge my colleagues to do the same. I would also like to take this opportunity to say good-bye and good luck to Michael Durishin, the Democratic staff director

for the Committee on Veterans Affairs. While I have not known Michael for long, I would like to thank him for the years of his dedication and service to this institution and to the people of the United States.

Mr. SIMMONS. Mr. Speaker, I yield 4 minutes to the gentleman from Florida (Mr. MILLER) from the first district, which I understand has more veterans per capita than any other district in this great Nation.

Mr. MILLER of Florida. Mr. Speaker, I thank my colleague for yielding me this time.

I do rise today in support of H.R. 100. This remarkable piece of legislation re-states, clarifies, and strengthens the legal protections afforded the courageous men and women who serve in our Armed Forces. The current Soldiers' and Sailors' Civil Relief Act of 1940 has had only a few minor changes since World War II. The law is in need of a comprehensive updating to reflect the considerable changes that have taken place in the United States over the past 60 years. The Soldiers' and Sailors' Civil Relief Act of 1940 is one of the most far-reaching laws on the books, and its constitutional authority is derived from article 1, section 8 of the Constitution, the War Powers Clause. Its provisions impact all Federal, State, and administrative law.

The process that we come to today of updating this act has been 10 years in the making at the hands of numerous military and government officials and has been a project of the House Committee on Veterans Affairs on which I served for over a year. Each provision has been fully vetted and carefully crafted by experts in the areas of civil law and military affairs. I commend the gentleman from New Jersey (Mr. SMITH), chairman; the attentive Committee on Veterans Affairs staff; and everyone who has had a hand in this particular project over the last decade.

H.R. 100 will bring many major improvements. It will increase coverage in maximum monthly rent of \$1,200 to \$1,700 to prevent evictions from premises occupied by servicemembers and their dependents. It will expand the right to terminate real property leases by allowing lease termination if a servicemember, while serving, executes a lease and then receives orders for a permanent change of station move or a deployment order of 90 days or more, and it requires a court order before a lessor can terminate a servicemember's installment contract for lease of any personal property, which would apply to all automobile leases.

Mr. Speaker, H.R. 100 brings modern relief to our modern Armed Forces and has strong support from the veterans service groups and military associations.

As President Bush said, the peace of a troubled world and the hopes of an oppressed people now depend on the United States Armed Forces. That trust is well placed and our valiant servicemembers deserve to have their

burdens, the ones that they and their loved ones face, reduced as they fight the war on terrorism and the war in Iraq.

Mr. Speaker, in H.R. 100 we are doing our duty to help ease those burdens.

□ 1045

Mr. EVANS. Mr. Speaker, I yield 4 minutes to the gentleman from Illinois (Mr. GUTIERREZ).

Mr. GUTIERREZ. Mr. Speaker, I rise today to express my strong support for H.R. 100, the Servicemembers Civil Relief Act, introduced by my good friends and colleagues, the gentleman from New Jersey (Mr. SMITH) and the gentleman from Illinois (Mr. EVANS).

Hundreds of thousands of our servicemembers are now courageously serving our Nation in Iraq and other dangerous parts of the world. No group of Americans has made or will make as valuable a contribution or as great a sacrifice or will have as much to be proud of as the men and women of our Armed Forces.

The legislation before us today will ensure that these brave men and women serving overseas and defending the ideals of our Nation are not preoccupied with financial security and the well-being of their families at home.

Among the many hazards confronted by men and women in uniform, not all of them are found on the battlefield or on foreign soil or at high seas. Some of their challenges originate here at home, even though they are countless miles away. To make matters worse, these are challenges that not only the men and women who sign up for duty must face, but their family members as well.

Many of these challenges are financial. In various ways, members of the Armed Forces, and in particular members of the National Guard and Reserve who leave jobs, good jobs, homes and families at a moment's notice, face tremendous economic burdens as a result of their willingness to serve. It is at least within our power and the power of this Congress to do something about that, to provide some level of economic security and stability.

I am pleased that measures that I proposed in my bill from the 107th Congress, H.R. 3173, are included in the legislation before us today. One of these provisions is the inclusion of a monthly rental protection increase. Under current law, an activated military member's family with housing payments of \$1,200 or less cannot be evicted for failure to pay rent. H.R. 100 raises the protected rental amount to \$1,700, a figure that will be indexed.

When the members of our Armed Forces trade in the comforts of their home for barracks in a country thousands of miles away, they should have the peace of mind they are not going to be evicted and their families put on the street. I applaud the inclusion of this specific measure.

The Servicemembers Civil Relief Act also makes technical updates and clarifies

the old law that dates back to 1940. I am pleased that changes in H.R. 100 changes the language of the Soldiers and Sailors Act to better reflect the true composition of our military, and the brave and willing women who sacrifice for our Nation are now included. A family's loss of income does not simply occur when a father or husband leaves his regular job for service, but when a mother or wife does the same.

Outdated language, such as the use of the word "wife" to describe dependents eligible for protection while a member is on duty, flies in the face of these brave women honorably serving our Nation. I appreciate that among the technical changes and updates, H.R. 100 replaces such references with gender-neutral language.

I support H.R. 100, and am pleased that so many of my colleagues on both sides of the aisle do as well. I urge a yes vote on this important and timely bill.

Mr. EVANS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I include for the RECORD copies of letters between our committee and the Committee on Financial Services regarding section 207(d) of H.R. 100, as amended.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON VETERANS' AFFAIRS,
Washington, DC, May 1, 2003.

Hon. MICHAEL G. OXLEY,
Chairman, Committee on Financial Services,
Washington, DC.

DEAR MR. CHAIRMAN: Thank you for your letter regarding section 207(d) of H.R. 100, as amended, the Servicemembers Civil Relief Act. I understand your concern about the section's definition of the term "interest" and will amend it to reflect the substance of the current provision on interest in section 206 of the current Soldiers' and Sailors' Civil Relief Act.

While the Committee on Veterans' Affairs has jurisdiction over soldiers' and sailors' civil relief under clause 1(r) of rule X of the Rules of the House of Representatives, I appreciate the interest of the Committee on Financial Services in all matters under its jurisdiction including those stated in your letter.

Our letters will be included in the record during floor consideration of H.R. 100, as amended, and you may be assured of my continued consultation on these matters.

Sincerely,

CHRISTOPHER H. SMITH,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, April 30, 2003.

Hon. CHRISTOPHER H. SMITH,
Chairman, Committee on Veterans' Affairs,
Washington, DC.

DEAR CHAIRMAN SMITH: On April 30, 2003, the Committee on Veterans' Affairs ordered reported H.R. 100, the Servicemembers Civil Relief Act. As you know, the Committee on Financial Services has jurisdiction over banks and banking, insurance generally, and public and private housing pursuant to clause 1(g) of rule X of the Rules of the House of Representatives for the 108th Congress.

Section 207(d) of the bill as reported would define the term "interest" as used in this

section regarding the maximum rate of interest on debts incurred before military service. As currently drafted, I am concerned that the definition would result in administrative burdens and costs for some financial institutions. Therefore, the provision on interest in the last sentence of current section 206 of the Act should not be changed in substance.

Because of your willingness to amend the bill to correct this problem during floor consideration and your desire to expeditiously consider the legislation, I will not seek a sequential referral of H.R. 100. By agreeing not to seek a referral, the Financial Services Committee does not waive its jurisdiction over the granting of credit by financial institutions, or any other matter involving banks and banking, insurance, and public and private housing. I would ask that you continue to consult with the committee on Financial Services concerning any further changes to these provisions as the bill is further considered.

I request that you include this letter and your response in the CONGRESSIONAL RECORD during consideration of the legislation on the House floor.

Thank you for your attention to these matters.

Yours truly,

MICHAEL G. OXLEY,
Chairman.

Mr. Speaker, on behalf of the gentleman from New Jersey (Chairman SMITH) and all of the Republican Members of the Committee on Veterans' Affairs, I would like to observe an impending departure.

After a distinguished career on Capitol Hill, a key staff member of the Committee on Veterans' Affairs is retiring. Michael Durishin has been the committee's Democratic Staff Director since 1997 for our ranking member, the gentleman from Illinois (Mr. EVANS). He was previously Staff Director for the Committee on Veterans' Affairs Subcommittee on Oversight and Investigations from 1987 through 1994, beginning when Mr. EVANS was chairman of that subcommittee. He was Deputy Postmaster for the U.S. Senate during the interim period.

Mike's work in politics began in 1973 when he was Special Assistant and Field Staff Director for former Senator James Abourezk of South Dakota. Prior to joining the committee staff, he was Senior Legislative Assistant for then Congressman TOM DASCHLE, who was a member of the Committee on Veterans' Affairs.

As a very senior staff member, Mike has been a consummate professional who has earned the respect of staff and Members alike on both sides of the aisle. He has been a vigorous advocate for veterans' issues and has helped maintain the commitment to bipartisanship on the committee. His insistence on vigorous oversight of policies and activities at the Department of Veterans Affairs served both its employees and the veterans population very well, particularly when a female VA employee had experienced a situation where they were not treated with respect. In a straightforward and unflappable way, he has had a major influence on virtually every important issue regarding veterans health and

benefits before the committee for the past 6 years.

Mike will truly be missed by all who know him and have been privileged to work with him. He can be proud of all that he has accomplished for veterans, even though he is too modest to claim the credit he deserves.

Mr. Speaker, on behalf of the Committee on Veterans' Affairs and America's veterans, I commend Michael Durishin for a job well done and wish him all the best in his future endeavors.

Mr. Speaker, I urge my colleagues to support the Servicemembers Civil Relief Act.

Mr. BROWN of South Carolina. Mr. Speaker, I am proud to rise today in strong support of H.R. 100, the Servicemembers' Civil Relief Act, of which I am a proud cosponsor.

With our active duty servicemembers and members of the Selected Reserve mobilized abroad, it is especially important to update the Soldiers' and Sailors Civil Relief Act of 1940. H.R. 100 strengthens and clarifies the existing law for today's military by securing for them financial, legal, and civil protections, indeed as our troops have secured freedom for the citizens of Iraq and Afghanistan.

I am especially pleased that this measure maintains the 6 percent interest cap for loans such as mortgages and credit cards, while clarifying that any excess interest is forgiven and does not accrue. I applaud the banking community for forgiving the excess interest in the past; I believe it is important to document the intent of Congress in this respect for the future. Many of our reserve component members take a major pay cut when we as a nation call them up for service. It is crucial that our troops not worry about financial issues at home when they are in harm's way abroad.

I thank Chairman SMITH and Ranking Member EVANS for their leadership on this important legislation and I urge my colleagues to support H.R. 100.

Mr. CASTLE. Mr. Speaker, I rise today in strong support of H.R. 100, the Servicemembers Civil Relief Act. We entrust over one million military personnel on active duty with a large responsibility each year. However, their sacrifice sometimes creates a difficulty in meeting all their responsibilities at home. We should not allow these men and women to be penalized for their service.

The Servicemembers Civil relief Act updates the Soldiers' and Sailors' Civil Relief Act of 1940 to improve the civil and economic protections that the Federal Government provides to our fine men and women on active duty in the military. The bill eliminates interest for a servicemember whose military service "materially affects" his or her ability to repay a debt incurred before entry into military service. The bill also increases the maximum rent for which a servicemember can have an eviction proceeding delayed for 3 months from \$1,200 per month to \$1,700 to reflect the change in costs of rental housing. Another provision in the bill guarantees that the Department of Veterans Affairs will pay premiums for a servicemember's life insurance policy for policies up to \$250,000. This bill also provides servicemembers an automatic 90-day stay for civil court and administrative proceedings, and it requires a lessor to obtain a court order before repossessing a car for which a servicemember has

fallen behind on lease payments. These provisions strengthen the economic protections under current law to better serve the needs of our servicemembers.

The great men and women who serve in our military contribute so much to our Nation. They put themselves in harm's way to defend their families, friends, and fellow Americans. Through their selfless service, these brave men and women defend the liberty, justice, and equality that are the foundation of America. They are the embodiment of the American spirit, and we must continue to protect them and their families while they are away protecting the rest of us.

Mr. BUYER. Mr. Speaker, today, hundreds of thousands of American service personnel serve our Nation proudly around the world in the name of freedom. In Indiana alone, over 4,000 National Guard and Reserve units have been called to active duty in support of operations in Afghanistan and Iraq as well as homeland security.

Over the past several months, many of us have been asked by constituents what they can do to help lessen the burden on our military personnel and their families. Today, by voting in support of H.R. 100, each of us has an opportunity to make a real difference.

This legislation strengthens and expands protections to our service personnel and their families during Presidential call-ups like those in place today.

Specifically, the Servicemembers Civil Relief Act: (1) Provides some protections to the families of our armed forces from eviction due to nonpayment of rent while on active duty—up to certain limits; (2) provides automatic stays on civil court proceedings while on active duty; and (3) provides a ceiling on interest of 6 percent on outstanding loans while they are on active duty.

While this legislation does provide some measures of reprieve, I support Chairman SMITH's efforts in this bill which reflects the need to be fair to all parties involved by imposing on the courts the obligation to determine whether the military service of the individual had a material effect on his/her ability to protect the rights or to meet financial obligations.

This legislation also includes substantive changes I sought to address concerns regarding protections to services members and their families who fall behind on car lease payments while called to active duty.

However, not all my concerns could be addressed. I am working with my colleagues as well as the private sector including the Automobile Alliance to address this matter in another form.

Finally, while this measure provides substantive economic protections to those who serve and their families, those in the private sector should realize that this bill and other federal laws merely set ceilings and not floors. Specifically, we set the ceiling of 6 percent on the amount of interest on loans that were incurred before entering military service.

Those who have answered our President's call to serve are doing so at some financial burden—in some cases at a great financial burden—though they do so willingly and are making this Nation proud. To that end, a grateful Nation comes to them on bended knee in appreciation.

Therefore, I challenge those in the financial services sector to match what some have

done on their own, like the Congressional Federal Credit Union, and lower their interest rate on existing loans to 0 percent while our men and women are carrying out their missions both here and abroad.

I ask my colleagues to support H.R. 100 and for the private sector to meet the challenge I have set forth.

Mr. REYES. Mr. Speaker, I rise today in support of H.R. 100, the Servicemembers Civil Relief Act. I would like to thank the sponsors of this legislation, Chairman CHRIS SMITH and Ranking Member LANE EVANS for their work to reintroduce this bill in the 108th Congress and to expeditiously bring it through Committee and to the floor.

H.R. 100 continues to protect American servicemembers from negative economic or professional consequences as a result of their active duty service. Not only does this legislation update and modernize the language of this 53 year-old act, but it strengthens and expands the current protections provided in the Soldiers and Sailors Civil Relief Act for military personnel on active duty. This bill provides protections for debt, eviction, lease payments and other such problems that may occur while they are away from home serving our country.

Mr. Speaker, as you may know, many troops from my district were recently called to duty. I would like to be able to assure them that should they come across certain hardship, we will be able to take care of them. No one should be penalized unfairly because they are out of the country serving our nation and protecting our freedoms.

I am a proud cosponsor of the Servicemembers Civil Relief Act, and I strongly urge my colleagues to support the passage of this bill. Thank you Mr. Speaker, I yield back the balance of my time.

Mr. SIMMONS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. NETHERCUTT). The question is on the motion offered by the gentleman from New Jersey (Mr. SMITH) that the House suspend the rules and pass the bill, H.R. 100, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds of those present have voted in the affirmative.

Mr. SIMMONS. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

GENERAL LEAVE

Mr. SIMMONS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 100, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Connecticut?

There was no objection.